

Applic. No. 10/078,116

Amdt. dated October 29, 2003

Reply to Office action of July 29, 2003

Remarks/Arguments:

Reconsideration of the application is requested. It is noted from the Interview Summary dated August 19, 2003 that the Office action of July 29, 2003 is non-final.

Claims 1-16 remain in the application.

In item 2 on page 2 of the Office action, claims 1-3, 5-7, 9-10, and 13-16 have been rejected as being fully anticipated by Calbrix et al. (U.S. Patent No. 5,839,365) (hereinafter "Calbrix") under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1 and 16 call for, *inter alia*:

a copy guide disposed in an outlet wedge of the cutting-cylinder pair for gripping leading ends of the sheet-like

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copies for guiding the copies, the copy guide including revolving transport elements.

It is noted that the corporate assignee of the Calbrix reference is also the assignee of the instant application, and therefore applicant is very familiar with the Calbrix reference.

The Calbrix reference discloses a product guide (15) having two product guiding parts (15.1 and 15.2) (column 2, lines 11-36). The product guide (15) is disposed in the outlet wedge of a cutting cylinder pair (4.1 and 4.2) between the outlet of cutting cylinder pair (4.1 and 4.2) and mutually cooperating transport tapes (5.1 and 5.2).

The following remarks pertain to the Examiner's comments in item 2 of the Office action, that Calbrix discloses a copy guide (5.1, 5.2) disposed in an outlet wedge of the cutting-cylinder pair (4).

First, the instant application discloses that with stationary copy guides arranged downline from a cutting nip of a cutting-cylinder pair (as is also disclosed in Calbrix), it is possible to guide a leading end of a material web through an outlet wedge of the cutting-cylinder pair into an inlet region

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with mutually cooperating transport belts, so that the copies severed from the material web in the cutting nip do not remain beyond control as they pass out of the outlet wedge of the cutting-cylinder pair into the inlet wedge of the downline transport-belt pair (page 1, line 20 to page 2 line 2).

As can be seen from the above-provided comments, contrary to the Examiner's comments the transport tapes (5.1 and 5.2) of Calbrix are not a copy guide including revolving transport elements, as recited in claims 1 and 16 of the instant application. Furthermore, contrary to the Examiner's comments, as can be seen in Figs. 1 and 2 of Calbrix the transport tapes (5.1 and 5.2) are not disposed in the outlet wedge of the cutting cylinder pair. Only the stationary product guide (15) is disposed in the outlet wedge of the cutting cylinder pair. This is contrary to the invention of the instant application as claimed, in which the copy guide including revolving transport elements is disposed in the outlet wedge of the cutting cylinder pair. Based on the above given reasons, the transport tapes (5.1 and 5.2) of Calbrix are not a copy guide including revolving transport elements.

The reference does not show a copy guide disposed in an outlet wedge of the cutting-cylinder pair for gripping leading ends of the sheet-like copies for guiding the copies, the copy

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guide including revolving transport elements, as recited in claims 1 and 16 of the instant application. The Calbrix reference discloses a stationary product guide disposed in the outlet wedge of the cutting cylinder pair. This is contrary to the invention of the instant application as claimed, in which a copy guide is disposed in an outlet wedge of the cutting-cylinder pair for gripping leading ends of the sheet-like copies for guiding the copies, where the copy guide includes revolving transport elements.

Since claim 1 is believed to be allowable, dependent claims 2-3, 5-7, 9-10, and 13-15 are believed to be allowable as well.

In item 4 on page 4 of the Office action, claim 4 has been rejected as being fully anticipated by Calbrix (U.S. Patent No. 5,839,365) in view of Pautrat (U.S. Patent No. 6,513,427) under 35 U.S.C. § 103. Pautrat does not make up for the deficiencies of Calbrix. Since claim 1 is believed to be allowable, dependent claim 4 is believed to be allowable as well.

In item 5 on page 5 of the Office action, claim 8 has been rejected as being fully anticipated by Calbrix (U.S. Patent No. 5,839,365) in view of Sarni et al. (U.S. Patent No. 6,295,925) under 35 U.S.C. § 103. Sarni et al. do not make up

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for the deficiencies of Calbrix. Since claim 1 is believed to be allowable, dependent claim 8 is believed to be allowable as well.

In item 6 on page 5 of the Office action, claims 11 and 12 have been rejected as being fully anticipated by Calbrix (U.S. Patent No. 5,839,365) in view of Burke (U.S. Patent No. 6,146,201 under 35 U.S.C. § 103. Burke does not make up for the deficiencies of Calbrix. Since claim 1 is believed to be allowable, dependent claims 11 and 12 are believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 or 16. Claims 1 and 16 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-16 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone

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call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,


For Applicant(s)

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